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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/539,810

06/20/2005

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06/08/2007

EXAMINER

NICHOLSON III, LESLIE AUGUST

ART UNIT

PAPER NUMBER

3651

MAIL DATE

DELIVERY MODE

06/08/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/539,810

Applicant(s)

HERBERT ET AL.

Examiner

Leslie A. Nicholson III

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>6/20/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 29,30,32-34,38-55 are rejected under 35 U.S.C. 102(b) as being anticipated by Keper USP 5,647,949.

Keper discloses a continuous web mixing device comprising:

- At least a first former (3) and a second former (4)
- At least a first and second longitudinal cutter associated with and upstream of said first and second former (C3/L27-32) (fig.1)
- At least first and second partial web guide paths to simultaneously conduct said first (6.1) and second (6.2) partial continuous webs from said first former
- An outlet (fig.1)
- At least a first stapler (16,37) arranged in one of said at least first and second partial web guide paths before said outlet, one of said at least first and second

cut partial continuous webs passing through said first stapler (C4/L16-23)

(fig.1,2)

- A deflection roller intermediate said first and second formers and said outlet (8,9)
- A folding apparatus (5)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalik USP 5,503,379 in view of Kepert USP 5,647,949.

Michalik discloses a continuous web mixing device comprising:

- A first former (4) and a second former (3)
- A first (34) and second (33) longitudinal cutting device associated with said first and second former
- At least a first and second former guide path (fig.1)
- An outlet (fig.1)
- At least a first deflection roller intermediate said first and second formers and said outlet, one of said first continuous web and said first and second continuous webs associated with one of said first and second formers and said first and

second partial continuous webs associated with the other of said first and second formers (fig.1)

Michalik does not expressly disclose a first and second stapler associated with said first and second former guide path, respectively, or a second deflection roller adapted to guide said partial continuous webs around said first and second stapler along an outside of said continuous web mixing device.

Kepert teaches a first (16) and second (37) stapler associated with said first and second former guide path, respectively, for the purpose of avoiding additional transverse gluing units when producing products are of at least twelve pages (C2/L30-36).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a first and second stapler associated with said first and second former guide path, respectively, as taught by Kepert, in the device of Michalik, for the purpose of avoiding additional transverse gluing units when producing products are of at least twelve pages.

Kepert teaches a second deflection roller (27,36) adapted to guide said partial continuous webs around said first and second stapler along an outside of said continuous web mixing device for the purpose of selectively binding one partial web while not binding a second partial web of a continuous web.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a second deflection roller adapted to guide said partial continuous webs around said first and second stapler along an outside of said continuous web

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mixing device, as taught by Kepert, in the device of Michalik, for the purpose of selectively binding one partial web while not binding a second partial web of a continuous web.

6. Claims 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalik USP 5,503,379 in view of Kepert USP 5,647,949.

Michalik discloses all the limitations of the claim (see ¶5) and further discloses said first and second partial continuous webs from said first former are conducted along first and second sides of said second former and are united at said outlet with said continuous web from said second former, said second former continuous web being located between said first and second partial continuous webs from said first former, but does not expressly disclose at least a first stapler arranged in one of said at least first and second partial web guide paths before said outlet, one of said at least first and second cut partial continuous webs passing through said first stapler.

Kepert teaches the use of at least a first stapler arranged in one of said at least first and second partial web guide paths before said outlet, one of said at least first and second cut partial continuous webs passing through said first stapler (see ¶5).

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.
3/6/2007


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER